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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DEJA LAMBERT,)
)
Defendant.)
)
)

No. CR 11-71227 TJB

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME FROM
NOVEMBER 29, 2011 TO DECEMBER 2,
2011 UNDER RULE 5.1 AND FROM
CALCULATIONS UNDER THE SPEEDY
TRIAL ACT

The defendant, Deja Lambert, represented by Geoffrey Hansen, Chief Assistant Federal Public Defender, and the government, represented by Cynthia Frey, Assistant United States Attorney, appeared before the Honorable Joseph C. Spero on November 29, 2011 for a preliminary hearing or indictment. The defendant requested a continuance to December 2, 2011 and agreed to exclude time under the Federal Rule of Criminal Procedure 5.1 to hold a preliminary hearing, and under 18 U.S.C. § 3161, the Speedy Trial Act. The Court ordered the matter be continued to December 2, 2011 for a preliminary hearing or indictment.

STIPULATION AND ~~PROPOSED~~ ORDER
CR 11-71227 TJB

1 The defendant agreed that good cause exists for excluding time under Rule 5.1 for a
2 preliminary hearing between November 29, 2011 and December 2, 2011. The defendant also
3 agreed that an exclusion of time is appropriate under the Speedy Trial Act between November
4 29, 2011 and December 2, 2011 for purposes of continuity of counsel and effective preparation
5 of counsel, in order to provide defense counsel with adequate time to review the discovery,
6 conduct an investigation, and consult with the defendant. In addition, the defendant agrees to
7 exclude for this period of time any time limits applicable under 18 U.S.C. § 3161. The parties
8 represent that granting the continuance, in order to provide defense counsel with adequate time to
9 review the discovery, conduct additional investigation, and consult with the defendant, is
10 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C.
11 § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such a
12 continuance outweigh the best interests of the public and the defendant in a speedy trial. 18
13 U.S.C. § 3161(h)(7)(A).

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15 SO STIPULATED:

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17 MELINDA HAAG
United States Attorney

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19 DATED: December 2, 2011

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21 /S/
CYNTHIA M. FREY
Assistant United States Attorney

22
23 DATED: December 2, 2011

24
25 /S/
GEOFFREY HANSEN
Attorney for DEJA LAMBERT

Based upon the representation of counsel and for good cause shown, the Court also finds that good cause exists, taking into account the public interest in the prompt disposition of criminal cases, for excluding time under Rule 5.1 for a preliminary hearing between November 29, 2011 and December 2, 2011. The Court finds that failing to exclude the time between November 29, 2011 and December 2, 2011 would unreasonably deny the defendant and counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between November 29, 2011 and December 2, 2011 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial.

Therefore, IT IS HEREBY ORDERED that time is appropriately excluded under Rule 5.1 between November 29, 2011 and December 2, 2011 within which to hold a preliminary hearing and the time between November 29, 2011 and December 2, 2011 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

DATED: 12/5/11

